

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
 )  
JEFFREY LAMAR DAVIS, ) CASE NO. 14-51054-LRC  
 )  
DEBTOR. )

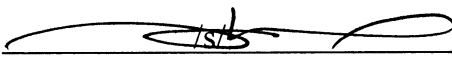
**NOTICE OF HEARING ON CHAPTER 13 TRUSTEE'S  
AMENDED MOTION TO DISMISS OR MODIFY PLAN**

YOU ARE HEREBY NOTIFIED that the Chapter 13 Trustee in this case has filed an Amended Motion to Dismiss or Modify Plan.

All objections must state the grounds therefore and must be filed no later than ten (10) days prior to the date of the hearing as set below, and must be filed with the Clerk, United States Bankruptcy Court: Richard B. Russell Building, 1340 U.S. Courthouse, 75 Ted Turner Drive, SW, Room 1340, Atlanta, GA 30303-3367. A copy must be furnished to the Chapter 13 Trustee: Melissa J. Davey, Suite 200, 260 Peachtree Street, Atlanta, Georgia 30303.

**A hearing will be held on June 19, 2018, at 1:45 P.M., in Courtroom 1204, in the Richard B. Russell Building, 75 Ted Turner Dr, SW, Atlanta, GA 30303-3367.**

DATED: This the 18 day of May, 2018.

  
Mandy K. Campbell,  
GA Bar No. 142676  
Attorney for the Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
678-510-1444

Melissa J. Davey  
Standing Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
678-510-1444

UNITED STATES BANKRUPTCY COURT  
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IN RE: ) CHAPTER 13  
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**CHAPTER 13 TRUSTEE'S AMENDED MOTION DISMISS CASE  
OR MODIFY PLAN**

COMES NOW MELISSA J. DAVEY, Standing Chapter 13 Trustee in the above-styled case, and files this Amended Motion to Dismiss or Modify Plan, and respectfully shows the court the following:

1.

COMES NOW MELISSA J. DAVEY, Standing Chapter 13 Trustee in the above-styled case, filed a *Motion to Dismiss or Modify Plan* on April 13, 2018 (Doc. No. 43) ("Motion"); Trustee hereby amends the Motion to restate every paragraph stated in the original Motion, and also respectfully to show the Court the following:

2.

Trustee received the Debtor's tax return for the year 2017.

3.

Pursuant to the Schedule I originally filed on January 14, 2014 (Doc. No. 1), Debtor expected to earn \$59,280.00 annually with Teds Montana Grill.

4.

The 2017 federal income tax return provided by Debtor shows adjusted gross wage income of \$58,581.00, pension/annuity income of \$7,429.00 and IRA distribution income of \$89,286.00 of which \$28,125.00 was taxable. This indicates a substantial increase income.

Melissa J. Davey  
Standing Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
678-510-1444

5.

Under 11 U.S.C. §§ 1329(a)(1), 1329(a)(2), 1329(b)(1), and 1325(a)(3), the Plan should be modified and the base of the Plan should be increased to account for all undisclosed income received that Debtor should have contributed to the case.

6.

The confirmed Plan should be modified pursuant to 11 U.S.C. Section 1329 to increase Debtor's monthly Plan payment. Debtor and Debtor's non-filing spouse should provide recent pay advices in order to determine if the Debtor's net income has increased.

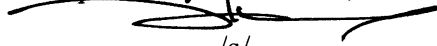
7.

In the alternative, Trustee moves the Court to dismiss this case for Debtor's bad faith failure to disclose the increased income to the Court.

WHEREFORE, based upon the foregoing, the Chapter 13 Trustee respectfully requests that the Chapter 13 case be dismissed, or that Debtor's confirmed Plan be modified to increase the base, and for such other relief as this Court deems just and proper.

Dated: This the 18 day of May, 2018.

Respectfully submitted,



/s/

Mandy K. Campbell,  
GA Bar No. 142676  
Attorney for the Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
678-510-1444

Melissa J. Davey  
Standing Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
678-510-1444

14-51054-LRC

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

DEBTOR:

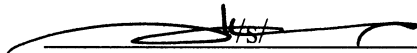
Jeffrey Lamar Davis  
1606 Hathaway Place N.W.  
Kennesaw, GA 30144

DEBTOR'S ATTORNEY:

The Semrad Law Firm, LLC  
Suite 201  
303 Perimeter Center North  
Atlanta, GA 30346

with a copy of the foregoing Chapter 13 Trustee's Amended Motion to Dismiss or Modify Plan by depositing in the United States Mail a copy of the same in a properly addressed envelope with adequate postage thereon.

DATED: This the 18 day of May, 2018.

  
\_\_\_\_\_  
Mandy K. Campbell,  
GA Bar No. 142676  
Attorney for the Chapter 13 Trustee  
260 Peachtree Street, Suite 200  
Atlanta, GA 30303  
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